

REMARKS

This Response is submitted in reply to the Office Action dated July 25, 2007, and in accordance with the telephone interview on October 9, 2007. Claims 1, 4, 7, 11, 15, 20, 24, 30, 35, 41, and 47 have been amended. The specification has been amended. No new matter has been added by any of these amendments.

A Supplemental Information Disclosure Statement is submitted herewith. Please charge deposit account number 02-1818 for the costs of the Supplemental Information Disclosure Statement and any additional costs associated with filing this Response.

The Office Action rejected Claims 1 to 31, 34 to 37, 40 to 43, 46 to 52, and 55 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,315,660 to DeMar et al. ("DeMar"). Applicants respectfully disagree with these rejections. Nonetheless, to expedite prosecution of this patent application, Applicants have amended certain claims for clarity.

DeMar discloses a gaming machine with a bonus game that includes a plurality of spaces on a game board traversable by a player's token identifier, such as in a MONOPOLY board game. Each space on the game board is associated with either an award value, a movement indicator for the player's token identifier, or a game ending identifier. At the start of the bonus game, the player's token identifier is positioned at a predetermined space on the game board (i.e., the GO space). (Column 34, lines 26 to 48). The gaming machine prompts the player to spin the reels of the gaming machine to generate a random movement indicator integer value. The generated integer value indicates the amount of spaces that the player's token identifier will move along the game board. (Column 35, lines 1 to 9). After the generated integer value is displayed to the player, the player's token identifier is moved to the appropriate space. The gaming machine provides the player with any awards associated with the space. (Column 35, lines 54 to 58). For example, using the game board illustrated in Fig. 16b, if the generated integer value is 8, the gaming machine moves the player's token identifier from the GO space to the space labeled Vermont Avenue. The Vermont Avenue space is associated with 5 coins, and the gaming machine provides 5 coins to the player for

landing on Vermont Avenue. The bonus game continues by generating additional movement indicator values and moves the player's token identifier around the game board in a corresponding manner. (Column 35, lines 58 to 63). At each space the player's token identifier stops at, the player automatically collects the award value associated with the space. (Column 28, lines 47 to 52). If the player's token identifier stops on a space labeled "Luxury Tax", "In Jail", or "Income Tax", the bonus game ends and the player is returned to the primary reel game.

In one version of the bonus game of DeMar, the player attempts to circle the game board and pass or land on the GO space up to six times. (Column 37, line 38 to Column 38, line 19). Each time the player passes or lands on the GO space, the player is awarded an escalating bonus award. The gaming machine provides the player an initial award of 5 coins for starting on the GO space. Each subsequent time the player's token indicator passes or stops on the GO space, the player is provided increasing awards of 10, 25, 100, 150, 500, and 1500 respectively. (Column 37, line 51). If the player successfully passes the GO space six times, the bonus game ends and the player receives all accumulated awards, in addition to the 1500 coin escalating bonus award. (Column 37, lines 65 to 67).

Amended independent Claim 1 is directed to a gaming device that includes a display device adapted to display a game. The gaming device also includes a processor configured to operate with the display device for a play of the game to display a plurality of symbols, the symbols including at least one non-terminator symbol and at least one terminator symbol, enable a player to select at least one of the symbols, provide a value to the player if the selected symbol is a non-terminator symbol, and provide another value to the player if the selected symbol is a terminator symbol, wherein the value is at least partially based on the number of non-terminator symbols not selected.

As discussed during the telephone interview, Applicants respectfully submit that DeMar does not expressly or inherently disclose a gaming device that includes a processor configured to operate with the display device for a play of the game to

provide another value to the player if the selected symbol is a terminator symbol, wherein the value is at least partially based on the number of non-terminator symbols not selected. Page 3 of the Office Action argues that DeMar discloses a:

[p]rocessor operable with said display device (Figure 9 Item 170) to ... provide another value to the player if said selected symbol is a terminator symbol, (Landing on a terminator symbol such as "Go To Jail" ends the bonus round and returns the player to the basic game where additional awards are earned), wherein said value is at least partially based on the number of non-terminator symbols not selected, (Col. 2. Lines 54-65, DeMar discloses an escalating bonus feature in which bonuses are awarded for reaching a designed bonus square on the Monopoly game board. Advancing the token identifier along the game board allows for payoffs to be made, when the token identifier reaches the bonus station. Each time another bonus station is reached, higher payoffs are awarded. The examiner interprets this as disclosing the claimed limitation because if a terminator is reached between bonus stations, then the bonus values do not escalate and the player returns to a basic game.) This disclosure also extends to providing values to the player if terminators are selected, wherein the value is based on the number of non-terminator symbols not selected.

Applicants respectfully disagree and submit that DeMar's escalating bonus award offers are not at least partially based on the number of non-terminator symbols not selected. DeMar's escalating bonus game only provides predefined and fixed awards for passing a predefined space (the GO space) on the game board. For example, the gaming machine of DeMar consecutively awards the player 5, 10, 25, 100, 150, 500, and 1500 coins for the player's successful first through sixth attempts at passing or landing on the GO space. Thus, DeMar's escalating bonus awards are merely based on whether the player can pass or land on the GO space. DeMar does not disclose any other link between each value of the escalating bonus award and a number of non-terminator symbols not selected.

Moreover, in DeMar, if a player obtains a terminator, the player is not provided an award that is at least partially based on the number of non-terminator symbols not selected. That is, in DeMar, upon the player's token identifier stopping on a space labeled "Luxury Tax", "In Jail", or "Income Tax", the player is not provided an award

based partially on the number of spaces not moved to by the player's token identifiers. On the other hand, unlike DeMar, the gaming device of amended independent Claim 1 includes a processor configured to operate with the display device for a play of the game to provide another value to the player if the selected symbol is a terminator symbol, wherein the value is at least partially based on the number of non-terminator symbols not selected. Accordingly, for this reason, Applicants respectfully submit that amended independent Claim 1 is patentably distinguished over DeMar and in condition for allowance.

Claims 2 and 3 depend directly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

Similar to amended independent Claim 1, amended independent Claim 4 is directed to a gaming device that includes, amongst other elements, providing another value to the player if the selected symbol is a terminator symbol, wherein the value is at least partially based on the number of non-terminator symbols not previously selected. As described above, DeMar does not disclose providing another value to the player if the selected symbol is a terminator symbol, wherein the value is at least partially based on the number of non-terminator symbols not previously selected. On the other hand, the gaming device of amended independent Claim 4 includes providing another value to the player if the selected symbol is a terminator symbol, wherein the value is at least partially based on the number of non-terminator symbols not previously selected. Accordingly, for this reason and the reasons provided with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claim 4 is patentably distinguished over DeMar and in condition for allowance.

Claims 5 and 6 depend directly from amended independent Claim 4 and are also allowable for the reasons given with respect to amended independent Claim 4 and because of the additional features recited in these claims.

Similar to amended independent Claim 1, amended independent Claims 7 and 11 are each directed to a gaming device that generally includes, amongst other

elements, providing a second award to the player if the player selected selection is associated with a terminator, wherein the second award is at least partially based on the number of non-selected selections that are not associated with one of the terminators. As described above, DeMar does not disclose providing a second award to the player if the player selected selection is associated with a terminator, wherein the second award is at least partially based on the number of non-selected selections that are not associated with one of the terminators. On the other hand, the gaming devices of amended independent Claims 7 and 11 each include providing a second award to the player if the player selected selection is associated with a terminator, wherein the second award is at least partially based on the number of non-selected selections that are not associated with one of the terminators. Accordingly, for this reason and the reasons provided with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claims 7 and 11 are patentably distinguished over DeMar and in condition for allowance.

Claims 8 to 10 and 12 to 14 depend directly from amended independent Claims 7 and 11 respectively and are also allowable for the reasons given with respect to amended independent Claims 7 and 11 and because of the additional features recited in these claims.

Similar to amended independent Claim 1, amended independent Claim 15 is directed to a gaming device that includes, amongst other elements, providing a second award to the player if the selected selection is associated with the terminator, wherein the second award is at least partially based on the number of non-selected selections that are not associated with the terminator. As described above, DeMar does not disclose providing a second award to the player if the selected selection is associated with the terminator, wherein the second award is at least partially based on the number of non-selected selections that are not associated with the terminator. On the other hand, the gaming device of amended independent Claim 15 includes providing a second award to the player if the selected selection is associated with the terminator, wherein the second award is at least partially based on the number of non-selected selections that are not associated with the

terminator. Accordingly, for this reason and the reasons provided with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claim 15 is patentably distinguished over DeMar and in condition for allowance.

Claims 16 to 19 depend directly from amended independent Claim 15 and are also allowable for the reasons given with respect to amended independent Claim 15 and because of the additional features recited in these claims.

Similar to amended independent Claim 1, amended independent Claim 20 is directed to a gaming device that includes, amongst other elements, providing a second award to the player if a terminator is associated with the selected selection, wherein each of at least one terminator is associated with one of said selections and the second award is at least partially based on the number of non-selected selections that are not associated with any terminators. As described above, DeMar does not disclose providing a second award to the player if a terminator is associated with the selected selection, wherein each of at least one terminator is associated with one of said selections and the second award is at least partially based on the number of non-selected selections that are not associated with any terminators. On the other hand, the gaming device of amended independent Claim 20 includes providing a second award to the player if a terminator is associated with the selected selection, wherein each of at least one terminator is associated with one of said selections and the second award is at least partially based on the number of non-selected selections that are not associated with any terminators. Accordingly, for this reason and the reasons provided with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claim 20 is patentably distinguished over DeMar and in condition for allowance.

Claims 21 to 23 depend directly from amended independent Claim 20 and are also allowable for the reasons given with respect to amended independent Claim 20 and because of the additional features recited in these claims.

Similar to amended independent Claim 1, amended independent Claim 24 is directed to a gaming device that includes, amongst other elements, providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with one of the terminators. As described above, DeMar does not disclose providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with one of the terminators. On the other hand, the gaming device of amended independent Claim 24 includes providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with one of the terminators. Accordingly, for this reason and the reasons provided with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claim 24 is patentably distinguished over DeMar and in condition for allowance.

Claims 25 to 29 depend directly from amended independent Claim 24 and are also allowable for the reasons given with respect to amended independent Claim 24 and because of the additional features recited in these claims.

Similar to amended independent Claim 1, amended independent Claims 30, 35, 41, and 47 are directed to methods of operating a gaming device that include, amongst other elements, (1) providing another value to the player if one of the terminator symbols is selected by the player, wherein the value is at least partially based on the number of non-terminator symbols not selected (Claim 30), (2) providing a second award to the player if the player selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators (Claim 35), (3) providing a second award to the player if the selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators (Claim 41), or (4) providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with the

terminator (Claim 47). As described above, DeMar does not disclose (1) providing another value to the player if one of the terminator symbols is selected by the player, wherein the value is at least partially based on the number of non-terminator symbols not selected, (2) providing a second award to the player if the player selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators, (3) providing a second award to the player if the selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators, or (4) providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with the terminator. On the other hand, amended independent Claims 30, 35, 41, and 47 disclose (1) providing another value to the player if one of the terminator symbols is selected by the player, wherein the value is at least partially based on the number of non-terminator symbols not selected (Claim 30), (2) providing a second award to the player if the player selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators (Claim 35), (3) providing a second award to the player if the selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators (Claim 41), or (4) providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with the terminator (Claim 47). Accordingly, for these reasons and the reasons provided with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claims 30, 35, 41, and 47 are patentably distinguished over DeMar and in condition for allowance.

Claims 31 and 34 depend directly from amended independent Claim 30, Claims 36, 37, and 40 depend directly from amended independent Claim 35, Claims 42, 43,

and 46 depend directly from amended independent Claim 41, and Claims 48 to 52, and 55 depend directly from amended independent Claim 47 and are also allowable for the reasons given with respect to amended independent Claims 30, 35, 41, and 47 and because of the additional features recited in these claims.

The Office Action rejected Claims 32, 33, 38, 39, 44, 45, 53, 54 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,315,660 to DeMar et al. ("DeMar") in view of U.S. Patent No. 6,113,495 to Walker et al. ("Walker").

Walker discloses an electronic gaming system that allows a player of an electronic gaming device, such as a slot machine or an arcade video game, to access premium entertainment services, such as premium web sites, pay-per-view services and shared-revenue telephone services, such as 900 or 976 services, for enhanced player retention. When play is initiated, a predefined establishment-specific criteria is evaluated to determine whether the player should be offered access to premium content entertainment services. A player entitled to access such services is preferably presented with a list of available premium entertainment services. Upon receipt of the player's selection, a connection is established between the electronic gaming device and the provider of the selected premium entertainment service. The player's level of play is preferably monitored to ensure that the establishment-specific criteria for maintaining access to such services is being met. If the establishment-specific criteria for maintaining access is not being met, a disconnection warning is preferably transmitted to the player with information on how the connection can be maintained by the player. An entry of each connection session is preferably made in a connection record database.

The Office Action stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify DeMar in view of Walker to include the operation of the gaming device over a data network such as the Internet. (Office Action, page 7). Applicants respectfully submit that regardless of whether it would have been obvious to include the operation of the gaming device over a data network such as the Internet, neither DeMar nor Walker nor the method of operating a gaming device


resulting from the combination of DeMar and Walker, disclose (1) providing another value to the player if one of the terminator symbols is selected by the player, wherein the value is at least partially based on the number of non-terminator symbols not selected, (2) providing a second award to the player if the player selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators, (3) providing a second award to the player if the selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators, or (4) providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with the terminator. Moreover, it would not have been obvious to one of ordinary skill in the art to modify DeMar and Walker to result in such methods of operating a gaming device without reasonably being construed as improper hindsight reconstruction. On the other hand, Claims 32, 33, 38, 39, 44, 45, 53, and 54 are each directed to a method of operating a gaming device that includes either (1) providing another value to the player if one of the terminator symbols is selected by the player, wherein the value is at least partially based on the number of non-terminator symbols not selected (Claims 32 and 33), (2) providing a second award to the player if the player selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators (Claims 38 and 39), (3) providing a second award to the player if the selected selection is associated with one of the terminators, wherein the second award is at least partially based on the number of remaining non-selected selections that are not associated with one of the terminators (Claims 44 and 45), or (4) providing an award to the player, wherein the award is at least partially based on the number of non-selected selections that are not associated with the terminator (Claims 53 and 54). Accordingly, for these reasons and the reasons provided above with respect to amended independent Claims 30, 35, 41, and 47,

Applicants respectfully submit that Claims 32, 33, 38, 39, 44, 45, 53, and 54 are patentably distinguished over DeMar and Walker and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 
Adam H. Masia
Reg. No. 35,602
Customer No. 29159

Dated: October 23, 2007